

09/727,628  
Amendment A  
September 11, 2002

REMARKS

The claims have been amended to correct the informalities noted by the Examiner. No new matter has been added.

The Examiner noted that claims 3 and 6 were free of the prior art, given failure of the prior art to teach or suggest a nucleic acid of bases 7-2064 of SEQ ID NO:3 or comprising at least 200 bases of bases 7-2064 of SEQ ID NO:3. The amended claims all require a nucleic acid comprising at least 200 bases of bases 7-2064 of SEQ ID NO:3. It is therefore believed that the amendments overcome all of the objections and rejections raised in the Office Action.

Reconsideration is respectfully requested.

Respectfully submitted,

Donald R. Stuart

Donald R. Stuart  
Attorney for Applicants  
Registration No. 28,479  
Telephone: 317-337-4816

September 11, 2002

Dow AgroSciences LLC Patent Department  
9330 Zionsville Road  
Indianapolis, Indiana 46268

MARKED COPY OF CLAIMS SHOWING AMENDMENTS

6. (Amended) The DNA construct of claim [5] 12 wherein the promoter comprises base pairs 7-2064 of SEQ ID NO: [2] 3.

9. (Amended) The method of [producing seed of claim [8] 13 [including the additional] further comprising the step of collecting the seed produced by said progeny.

10. (Amended) A transformed plant comprising at least one plant cell that contains [a] the DNA construct of claim [5] 14.

11. (Amended) Seed or grain that contains [a] the DNA construct of claim [5] 14.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D. C. 20231 on the date shown below

Typed name of person signing certification: Marcia R. Jansen

September 11, 2002  
Date

By Marcia R. Jansen  
Signature